

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

In Re: :
MS GRAND, INC. : Case No. 11-10200-RGM
: Chapter 7
Debtor. :

RAYMOND A. YANCEY, :
Chapter 7 Trustee for MS Grand, Inc. :
And its bankruptcy estate, :
Plaintiff, :
v. :
Commonwealth Edison Company, : Adv. Pro. No. 12-01451-RGM
Defendant. :

SCEDULING ORDER

This matter came before the Court for a status conference on July 9, 2013, at which time Raymond A. Yancey, the Chapter 7 Trustee (the “Trustee”) for the estate of MS Grand, Inc. (“MS Grand”), by counsel, requested that the Court set a discovery schedule; Commonwealth Edison Company (the “Defendant,” and together with the Trustee, the “Parties”), by counsel, opposed the discovery schedule proposed by the Trustee and requested a different discovery schedule; after hearing argument of counsel for the Parties and for the reasons stated on the record at the hearing, the Court hereby ORDERS that the following schedule applies in the above-captioned Adversary Proceeding:

1. **Discovery.**

a. Effective as of July 9, 2013, discovery is no longer stayed in this Adversary Proceeding.

b. Any written discovery issued prior to entry of this Order shall be deemed served on July 9, 2013 as if the same were served by hand-delivery.

c. All fact discovery shall be completed by November 15, 2013. Discovery shall be **initiated** by such date as will allow the full period for response permitted by the Federal Rules of Civil Procedure, unless such period is reduced by the court or by stipulation of the parties.

d. Expert reports shall be due, for the party bearing the burden of proof on the issue for which the expert is retained, on December 16, 2013.

e. Rebuttal expert witness reports shall be due on January 10, 2014.

2. **Request for Jury Trial and Consent to Entry of Final Orders by the Bankruptcy Judge.** Any Party who demands a jury trial shall serve and file such demand on or before July 23, 2013. Failure to make demand for a jury trial by such date shall be deemed a waiver of the right to a jury trial, and the Parties who do not make timely demand shall be barred from demanding a jury trial. On or before July 23, 2013, the Parties shall each file with the Court a notice indicating whether they consent to the entry of final orders by the Bankruptcy Judge. The failure to file such notice in compliance with the terms of this paragraph shall be deemed to constitute consent to the entry of final orders by the Bankruptcy Judge in this Adversary Proceeding.

3. **Dispositive Motions.** All dispositive motions shall be filed not later January 31, 2014. Any response to any dispositive motion shall be filed by February 14, 2013. A hearing on any dispositive motions shall be held on February 20, 2014 at 9:30 a.m. in Judge Robert G. Mayer's Courtroom, 200 South Washington Street, 2nd Floor, Alexandria, Virginia 22314.

4. **Status Conference.** A status conference shall be held February 20, 2014 at 9:30 a.m. in Judge Robert G. Mayer's Courtroom, 200 South Washington Street, 2nd Floor, Alexandria, Virginia 22314. Such status conference shall be for scheduling purposes; exhibits and witness lists need not be filed in advance of such status conference.

5. **Avoidance Action Procedures Order.** To the extent that this order conflicts with the Order Establishing Procedures for Avoidance Action Adversary Proceedings entered on or about April 2, 2013, this order governs.

Dated: July _____, 2013

Jul 17 2013

/s/ Robert G. Mayer

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Christopher A. Jones

Entered on Docket: Jul 18 2013

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Counsel for Defendant

Local Rule 9022-1 Certification

I hereby certify that that a copy of the proposed order has been served upon all necessary parties.

/s/ Christopher A. Jones
Counsel

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